

# THE RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

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## Association Activities

AT THE Stated Meeting on December 9 there will be presented a report by the Special Committee on the Federal Courts, of which Edwin A. Falk is chairman. The report deals with suggested measures to forestall future efforts to invade the independence of the Federal Courts, particularly of the United States Supreme Court. The report of the Committee has been mailed to all members.

A second feature of the program will be an informal report by Judge Samuel I. Rosenman of the Special Committee on Public and Bar Relations. Judge Rosenman will describe the work his Committee has done in cooperation with the Committee on Taxation to develop some plan to provide Federal Income Tax relief for those not already covered by existing pension plan provisions.

Interim reports will be received from the following committees: Committee on Administrative Law, Robert M. Benjamin, Chairman; Committee on Criminal Courts, Law and Procedure, Harry C. Kane, Chairman; Committee on Federal Legislation, John E. F. Wood, Chairman; Committee on Foreign Law, John N. Hazard, Chairman; Committee to Cooperate with the Judicial

Council, Theodore Kiendl, Chairman; Committee on Law Reform, Barent Ten Eyck, Chairman; Committee on Legal Education, William J. O'Shea, Chairman; Committee on Patents, Robert Wayne Byerly, Chairman; Committee on Taxation, Rollin Browne, Chairman.



THE COMMITTEE on Taxation on December 9 will release its carefully considered and comprehensive report on proposed changes in the Federal tax laws. Rollin Browne is the chairman of the Committee.

Members of the Association will remember that the previous report of the Committee on Taxation was widely distributed and generally acclaimed as a definitive contribution to the literature on the subject. The report this year embodies some of the suggestions made in the previous report, and also a good many new recommendations demanded by present conditions. It is thought that the report, which will be distributed to members of Congress, officials of the Treasury Department, and others, will be influential in the coming consideration by the Congress of changes in the tax structure.

A summary of the report will be mailed to all members of the Association, and the full report will be available to those members who make application to the Executive Secretary.



ON NOVEMBER 26 the Committee on Junior Bar Activities, Henry Harfield, Chairman, sponsored an Inter-Law School Competition between Yale and Columbia. Teams from the two schools argued before an Appellate Court consisting of Judge Bernard L. Shientag, Judge Edward A. Conger, and Judge James B. M. McNally. The contestants from Yale were Gilbert Hahn, Jr., and Powell Pierpoint, and from Columbia, Bouvier Beale, Michael F. Dennis, and David Sive.

At the close of the arguments the judges commented upon the excellent presentation made by the law students. Following the

Competition a reception was held for members of the judiciary, the Association, and the law schools.



THE DOMESTIC Relations Court Committee, Mrs. Helen L. Buttenwieser, Chairman, has considered at the Mayor's request appointments to the Domestic Relations Court and submitted to the Mayor its recommendations. The Chairman of the Committee has also had a meeting with Presiding Justice John Warren Hill to outline the work of the Committee during the coming year. Members of the Committee on the invitation of Justice Hill visited the Court where they listened to an informal explanation of the Court Clinic by Dr. Montague, the psychiatrist in charge of the clinic.



AT ITS first meeting of the year the Committee on International Law, John E. Lockwood, Chairman, entertained as its guest Thomas G. Lund of London, Secretary of The Law Society. Mr. Lund talked informally about the organization of the International Bar Association and also about the work of The Law Society.

The Committee also considered its program for the coming year, which will include a study of the Connally and Vandenberg amendments, a review of the treaty-making powers of the Senate, and a report on the work of the International Court.

Following its practice of having guests at its meetings, the Committee has invited for the next meeting Dr. Edvard Hambro, Registrar of the International Court, and Mr. U. Chan Htoon, Constitutional Adviser to the Government of Burma.



THE ENTERTAINMENT Committee, Judge James Garrett Wallace, Chairman, has mailed to the membership a questionnaire asking whether members of the Association who are interested in music would like to organize an orchestra. The Committee is fortunate

in having the services of a lawyer who is a talented and experienced musician and who has agreed to rehearse and direct such an orchestra.

The Committee also plans a second Twelfth-Night Festival on January 6, 1948, announcements of which will be mailed to the membership.



THE MEDICAL Jurisprudence Committee, of which George H. Sibley is chairman, has organized its work for the coming year under the direction of three subcommittees. The committees were appointed to deal with laws relating to the care of the mentally ill, legal problems connected with the control of alcoholism, and the problem of expert witnesses. The Committee also is contemplating holding a forum on current problems in the field of medical jurisprudence.



THE COMMITTEE ON Courts of Superior Jurisdiction, Samuel M. Lane, Chairman, will shortly present to the Appellate Division, First Department, its detailed proposals as to improvements that might be affected in the calendar practice of the Supreme Court. The Committee is also concerned with the serious lack of judicial manpower in the United States District Court for the Southern District. It will be recalled that last year the Special Committee on the Federal Courts appeared before the Congress to urge that legislation which prohibited the filling of the vacancy on the Court caused by the retirement of Judge Woolsey be repealed.



THE FIRST Round Table Conference of the current Association year was held on October 27, with about two hundred members in attendance. The guest of the evening was Presiding Justice David W. Peck of the Appellate Division, First Department. Mr. Justice Peck delivered an extremely interesting talk on "Mutual Accommodation of Court and Counsel in the Appellate Divi-

sion." At the conclusion of Justice Peck's address there was a question hour, and at the close of the Conference refreshments were served.

The new plan of opening the dinner which precedes the Conference to all members of the Association proved a decided success, and this pattern will be followed in subsequent meetings.



ON NOVEMBER 18 Justice Bernard L. Shientag delivered the first of the series of lectures which will be sponsored this year by the Committee on Post-Admission Legal Education. Justice Shientag spoke before a large audience on "Cross-Examination—A Judge's Viewpoint."

The second lecture in the series will be the address by Adolf A. Berle, Jr., on "The Marshall Plan."



THE LAW REFORM Committee has under consideration at the present time the following projects: proof of adultery in divorce cases; trusts and the attachment of life beneficiaries' interests; revision of section 25 of the Personal Property Law; apparent inconsistencies between statutes of limitation dealing with mortgage principal and interest obligations; and the legal effects in New York of void foreign divorce decrees.

The Committee is most desirous of receiving from members suggestions for the improvement of the law. Suggestions may be addressed to the chairman, Barent Ten Eyck, 40 Wall Street, New York 5.



AMONG the projects being considered for study by the Committee on Admiralty, Vincent A. Catoggio, Jr., Chairman, are the amendment of the United States Supreme Court Admiralty Rule 56 to permit impleader in limitation of liability proceedings; the enlargement or abolition of the six months' period prescribed for the filing of a petition for limitation of liability; provision for

permitting appeals in admiralty on questions of fact in accordance with the theory that such appeals are trials *de novo*; and revision of Title 46 of the U.S. Code. In addition, the Committee will review currently the progress of legislation relating to admiralty in the Congress and the General Assembly.



THE WORK of the Administrative Law Committee, Robert M. Benjamin, Chairman, will cover five general subjects. The Committee will study the operation of the Federal Administrative Procedure Act; the desirability of a New York state administrative procedure act; the proposed Administrative Practitioners' Act known as the Gwynne Bill; the revision of Article 78 of the Civil Practice Act; and the means of securing closer liaison between the legislative and administrative agencies of the Government.



THE OFFICE of the Secretary of the Association has requested that the membership be advised that it is not too late to return to the Association the membership record cards. It should be emphasized that these cards will take the place of the present permanent membership records. It will save expense to the Association if the cards are returned without the necessity of having a reminder notice mailed.



THE SPECIAL COMMITTEE on Public and Bar Relations, Judge Samuel I. Rosenman, Chairman, has been directed by the Executive Committee to promote legislation which would provide tax relief for persons not covered by existing pension plans. This subject has been studied by the Committee on Taxation, which has cooperated with Judge Rosenman's Committee in this work. The resolution adopted by the Executive Committee is as follows:

RESOLVED, that this Committee approves the adoption of amendments to the Internal Revenue Code which will

permit members of partnerships and individual professional men and proprietors of businesses to have the same tax benefits with respect to pension plans as are now available to those doing business under the corporate form; and be it further

RESOLVED, that this subject matter be referred back to the Committee on Public and Bar Relations to take all proper steps to promote legislation in this respect.



THE HONORABLE Robert P. Patterson, former Secretary of War, Judge Charles E. Wyzanski, Jr., of Boston, and Judge Henry W. Edgerton, of Washington, D. C., will constitute the Appellate Bench for the final argument of the Harlan Fiske Stone Competition of the Columbia Law School.

The competition will be held under the auspices of the Columbia Law School at the House of the Association, December 5, 1947, at 8:30 o'clock. The case to be argued is based on the record of *Winters v. The People of the State of New York*. Members of the Association and their guests are invited to attend.

Contestants for the Blackstone Moot Court are Lawrence R. Gould, James D. O'Neill, Ellis R. Phillips, Jr., and David B. Bressler, and for the Bramwell Moot Court, Ernest G. Allen, Joseph Alderman, Theodore J. Carlson, and Jane Marks.

## The Calendar of the Association for December

(As of November 28, 1947)

- December 1 Round-Table Conference preceded by buffet supper  
for members of the Association at 6:15 P.M.
- December 2 Meeting of Section on State and Federal Procedure  
Dinner Meeting of Committee on Administrative Law  
Meeting of Committee on Trade-Marks and Unfair  
Competition
- December 3 Dinner Meeting of Executive Committee  
Meeting of Committee on the City Court of the City  
of New York  
Meeting of Section on Wills, Trusts and Estates
- December 4 Dinner Meeting of Committee on Foreign Law  
Dinner Meeting of Committee on Insurance Law
- December 8 Meeting of Committee on the Bill of Rights  
Meeting of Section on Corporations  
Meeting of Special Committee on Military Justice
- December 9 *Stated Meeting of Association and Buffet Supper—  
6:15 P. M.*
- December 10 Meeting of Committee on Real Property
- December 11 Dinner Meeting of Committee on Copyright  
Dinner Meeting of Committee on Law Reform
- December 12 Meeting of Section on Trials and Appeals
- December 13 Dinner Meeting of Committee on International Law
- December 16 "The Marshall Plan." Address by Adolf A. Berle, Jr.,  
Esq. Buffet Supper, 6:15 P.M.



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## STEPHEN P. NASH

1821-1898

- 1843 Admitted to the Bar.  
 1880-1881 President of the Association of the Bar of the City of New York

## WRITINGS

- Anneke Jans Bogardus; her farm, and how it became the property of Trinity Church. New York. An historic inquiry. New York, Prepared and printed for the use of the church, 1896. 105p.

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- Butler, William Allen. Memorial of Stephen Payne Nash. Association of the Bar of the City of New York. Year Book. 1898. 104-110.

## FRANCIS N. BANGS

1828-1885

- 1849 Admitted to the Bar.  
 1882-1883 President of the Association of the Bar of the City of New York.

## BIOGRAPHY

- Carter, James C. Memorial of Francis N. Bangs. Association of the Bar of the City of New York. Year Book. 1887. 80-85.

## JAMES C. CARTER

1827-1905

- 1853 Admitted to the Bar.  
 1893 Counsel of the United States in Behring Sea Arbitration.  
 1884, 1885,  
 and  
 1897-1899 President of the Association of the Bar of the City of New York.

## WRITINGS

Law: Its Origin, Growth and Function. Being a Course of Lectures Prepared for Delivery before the Law School of Harvard University. New York and London, G. P. Putnam's Sons. 1907. 355p.

## BIOGRAPHY

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## WILLIAM A. BUTLER

1825-1902

1846 Admitted to the Bar.  
1886-1887 President of the Association of the Bar of the City of New York.

## WRITINGS

Lawyer and Client; Their Relation, Rights & Duties. New York, D. Appleton & Co. 1871. 76p.  
Martin Van Buren; Lawyer, Statesman and Man. New York, D. Appleton & Co. 1862. 47p.  
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Nothing To Wear. (Anon.) New York, 1857.

## BIOGRAPHY

Holt, George C. Memorial of William Allen Butler. Association of the Bar of the City of New York. Year Book. 1904. 122-132.

## JOSEPH H. CHOATE

1832-1917

1855 Admitted to the Bar.  
1888-1889 President of the Association of the Bar of the City of New York.  
1899-1905 United States Ambassador to Great Britain.  
1907 Delegate to the Peace Conference at the Hague

## WRITINGS

Abraham Lincoln. New York, The Century Co. 1910. 293p.  
American Addresses. New York, The Century Co. 1911. 360p.  
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- Root, Elihu. Memorial of Joseph H. Choate. Association of the Bar of the City of New York. Year Book. 1918. 149-172.

## FREDERIC R. COUDERT

1832-1903

- 1853 Admitted to the Bar.
- 1890-1891 President of the Association of the Bar of the City of New York.
- 1893-1895 Counsel for the United States in the Behring Sea Arbitration.
- 1896-1898 Representative of the United States in the Venezuela Boundary Controversy.

## WRITINGS

- Addresses: Historical, Political, Sociological. New York, G. P. Putnam's Sons. 1905. 452p.

## BIOGRAPHY

- Patterson, Hon. Edward. Memorial of Frederic R. Coudert. Association of the Bar of the City of New York. 1905. 116-121.

## WHEELER H. PECKHAM

1833-1905

- 1854 Admitted to the Bar.
- 1892-1894 President of the Association of the Bar of the City of New York.

## WRITINGS

- A Review of the Arguments of Counsel in the New York Court of Appeals on the Constitutionality of the Law Making United States Treasury Notes a Legal Tender in Payment of Private Debts, and of the Opinions of the Court Thereon. New York, Banks & Brothers. 1864. 65p.

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*JOSEPH LAROCQUE**1831-1908*

- 1852 Admitted to the Bar.  
 1895-1896 President of the Association of the Bar of the City of New York.

## BIOGRAPHY

A Memorial. American Bar Association. Reports of American Bar Association. 1909. 645.

*JOHN E. PARSONS**1829-1915*

- 1852 Admitted to the Bar.  
 1900-1901 President of the Association of the Bar of the City of New York.

## BIOGRAPHY

Reminiscences and Addresses. Association of the Bar, May 11, 1909. 32p.  
 Choate, Joseph H. Memorial of John E. Parsons. Association of the Bar of the City of New York. Year Book. 1916. 172-192.

*WILLIAM G. CHOATE**1830-1920*

- 1855 Admitted to the Bar.  
 1878-1881 United States District Court Judge for the Southern District of New York.  
 1902-1903 President of the Association of the Bar of the City of New York.

## WRITINGS

Opinions and Reports in Benedict's Reports, Vols. 9 and 10; Blatchford's Reports, Vol. 18; the Federal Reporter, Vols. 1-9.

## BIOGRAPHY

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## ELIHU ROOT

1845-1937

- 1867 Admitted to the Bar.  
1899-1904 Secretary of War in Cabinet of President McKinley.  
1904-1905 President of the Association of the Bar of the City of New York.  
1905-1909 Secretary of State in Cabinet of President Roosevelt.  
1912 Nobel Prize Winner.  
1909-1915 United States Senator from New York.  
1917 Ambassador Extraordinary at head special diplomatic mission to Russia during the Revolution.  
Member of the Permanent Court of Arbitration.

## WRITINGS

- Addresses on Government and Citizenship. Cambridge, Harvard Univ. Press. 1916. 552p.  
Addresses on International Subjects. Cambridge, Harvard Univ. Press. 1916.  
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Memorial; prepared by Henry L. Stimson. Association of the Bar of the City of New York. Year Book. 1937. 365-375.

## JOHN L. CADWALADER

1837-1914

- 1869 Admitted to the Bar.  
1874-1877 Assistant Secretary of State under Hamilton Fish in the Cabinet of President Grant.  
1906-1907 President of the Association of the Bar of the City of New York.

## WRITINGS

- Digest of the Published Opinions of the Attorneys-General and of the Leading Decisions of the Federal Courts with Reference to International Law, Treaties, and Kindred Subjects. Revised Edition. Washington, Govt. print. off. 1877. 290p.
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- Milburn, John G. Memorial of John L. Cadwalder. Association of the Bar of the City of New York. Year Book 1915. 155-161.

## EDMUND WETMORE

1838-1918

- 1900-1901 President of the American Bar Association.
- 1908-1909 President of the Association of the Bar of the City of New York.

## WRITINGS

- Some of the Limitations and Requirements of Legal Education in the United States. American Bar Association. Reports of. 1894. 461-472.
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## FRANCIS L. STETSON

1846-1920

1869 Admitted to the Bar.

1910-1911 President of the Association of the Bar of the City of New York.

## WRITINGS

The Lawyer's Livelihood. Address before the New York State Bar Association, Jan. 28, 1909. New York State Bar Association. Report, 1909. 169-193.

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## BIOGRAPHY

Holt, George C. Memorial of Francis L. Stetson. Association of the Bar of the City of New York. Year Book. 1921. 200-205.

## LEWIS C. LEDYARD

1851-1932

1875 Admitted to the Bar.

1912 President of the Association of the Bar of the City of New York.

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In Memoriam Lewis Cass Ledyard. The New York Public Library. 1932. 10p.

Sheldon, Edward W. Memorial of Lewis Cass Ledyard. Association of the Bar of the City of New York. Year Book. 1932. 363-373.

## WILLIAM B. HORNBLOWER

1851-1914

1875 Admitted to the Bar.

1913-1914 President of the Association of the Bar of the City of New York.

1914 Associate Judge of the Court of Appeals of the State of New York.

## WRITINGS

Appellate Courts. Addresses before Students of Columbia College Law School, Feb. 26, 1892. Reprinted from Columbia Law Times. 15p.

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Cardozo, Benjamin N. Memorial of William B. Hornblower. Association of the Bar of the City of New York. Year Book. 1915. 186-193.

## GEORGE W. WICKERSHAM

1858-1936

1880 Admitted to the Bar.

1909-1913 United States Attorney General in the Cabinet of President Taft.

1914-1916 President of the Association of the Bar of the City of New York.

1922 President of the American Law Institute.

1924-1929 Member of the League of Nations Committee on Progressive Codification of International Law.

1929 National Chairman on Law Observance and Law Enforcement.

## WRITINGS

The Changing Order; Essays on Government, Monopoly and Education, Written during a Period of Readjustment. New York, G. P. Putnam's Sons. 1914. 287p.

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## GEORGE L. INGRAHAM

1847-1931

- 1869 Admitted to the Bar.  
1883-1891 Judge of Superior Court of the City of New York.  
1891 Justice of the Supreme Court of the State of New York.  
1896-1915 Judge of the Appellate Division of the Supreme Court.  
1917-1918 President of the Association of the Bar of the City of New York.

## WRITINGS

- Proposed Amendments to the Judiciary Article of the State Constitution. Address at the stated meeting of the Association of the Bar, May 11, 1915.

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- Clarke, John Proctor. Memorial of George Landon Ingraham. Association of the Bar of the City of New York. 1931. Year Book. 408-411.

## JOHN G. MILBURN

1851-1930

- 1874 Admitted to the Bar.  
1901 President of Pan-American Exposition at Buffalo.  
1919-1920 President of the Association of the Bar of the City of New York.

## WRITINGS

- The Relation of the Lawyer to Modern Industrial Problems. Address to the Rochester Bar Association, Dec, 9, 1902. 14p.

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*JAMES BYRNE*

1857-1942

- 1882 Admitted to the Bar.  
 1921-1923 President of the Association of the Bar of the City of New York.  
 1928-1934 Vice-President of the American Law Institute.  
 1933-1937 Chancellor of the Board of Regents.

## WRITINGS

The Foreclosure of Railroad Mortgages in the United States Courts. Paper read before the Association of the Bar, Feb. 23, 1916. Lectures on Legal Topics. Vol. 1. New York, The Macmillan Co. 1916. 77-152.

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*HENRY W. TAFT*

1859-1945

- 1882 Admitted to the Bar.  
 1923-1925 President of the Association of the Bar of the City of New York.

## WRITINGS

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 Comments on Will Contests in New York. Address before the Association of the Bar, Jan. 13, 1921. Lectures on Legal Topics, Vol. 2. New York, The Macmillan Co. 1924. 203-223.  
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Coudert, Frederic R. Memorial of Henry Waters Taft. Association of the Bar of the City of New York. Year Book. 1946. 460-467.

*WILLIAM D. GUTHRIE**1859-1935*

1880 Admitted to the Bar.

1909-1922 Ruggles Professor of Constitutional Law, Columbia University.

1925-1927 President of the Association of the Bar of the City of New York.

## WRITINGS

The Fourteenth Amendment to the Constitution of the United States. Lectures delivered before the Dwight Alumni Association, New York, April-May, 1898. Boston. Little, Brown & Co. 1898. 265p.

Magna Carta and Other Addresses. New York, Columbia Univ. Press. 1916. 282p.

Public Service Commissions. Address before the Association of the Bar, Apr. 5, 1916. Lectures on Legal Topics. Vol. 1. New York, The Macmillan Co. 1917. 347-374.

The League of Nations and Miscellaneous Addresses. New York, Columbia Univ. Press. 1923. 383p.

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# Index

VOLUME II (1947) OF THE RECORD OF THE ASSOCIATION OF THE BAR  
OF THE CITY OF NEW YORK

## AUTHOR INDEX

	PAGE		PAGE
Burlingham, C. C.		Lepaulle, Pierre	
Judge Learned Hand	186	Report from Paris	115
Dickinson, Edwin D.		Medina, Harold R.	
Political Subversives: An Appraisal of Recent Experience and Forecast of Things to Come	350	Recent Developments in Pleading and Practice	59
Frankfurter, Felix		Thacher, Thomas D.	
Some Reflections on the Reading of Statutes	213	Judge Learned Hand	189
Fuller, Lon L.		Tweed, Harrison	
Objectives of Legal Education	120	President's Annual Report, 1946-1947	256
Garver, Chauncey B.		President's Letter	9: 58; 151
Treasurer's Letter	113; 313	Remarks, Annual Meeting, May 13, 1947	210
Hazard, John N.		Weiden, Paul L.	
Soviet Law	155	Impact of the Occupation on German Law	315

## SUBJECT INDEX

Administrative Law		Arbitration	
Administrative Procedure. <i>Bibliography.</i>	98	Bibliography	46
Administration of Justice		Association of the Bar	
Memorandum on Rule Making Power	12	Presidents 1870-1920. <i>Biography and Bibliography.</i>	362
Aeronautics		Publications of Author Members. <i>Bibliography</i>	247
Bibliography	333	Bibliography	
		See <i>Legal Bibliography.</i>	

	PAGE		PAGE
Civil Liberties		Biographical Works. <i>Bibliography</i> .	302
Political Subversives: An appraisal of Recent Experience and Forecast of Things to Come. <i>Edwin D. Dickinson</i>	350	Legal Drafting. <i>Bibliography</i> .	172
Criminal Law		Medical Jurisprudence. <i>Bibliography</i> .	138
Interim Report of Committee on Criminal Courts, Law and Procedure.	43	Presidents 1870-1920. <i>Bibliography</i> .	362
Foreign Law		Legal Ethics	
Impact of the Occupation on German Law. <i>Paul L. Weiden</i> .	315	Claims Before Indian Claims Commission. <i>Committee Report</i> .	27
Pleading Foreign Law. <i>Committee Report</i> .	128	Lawyers as Members of Labor Unions. <i>Committee Report</i> .	196
Soviet Law. <i>John N. Hazard</i> .	155	Professional Announcements. <i>Committee Report</i> .	33
Insurance		Medical Jurisprudence	
State Regulation of Insurance. <i>Committee Report</i> .	164	<i>Bibliography</i> .	138
Judges		Pleading	
Additional Judgeships for Southern District. <i>Committee Report</i> .	91	Pleading Foreign Law. <i>Committee Report</i> .	128
Candidates for Justices of the Municipal Court. <i>Committee Report</i> .	330	Recent Developments in Pleading and Practice. <i>Harold R. Medina</i> .	59
Labor Law		Rule Against Perpetuities	
Revisions of Wagner Act. <i>Committee Report</i> .	238	Proposed Changes in New York Statutes. <i>Committee Report</i> .	37:90
Law Lists		Statutory Construction	
Approved Law Lists.	143	<i>Bibliography</i> .	172
Law Schools		Some Reflections on the Reading of Statutes. <i>Felix Frankfurter</i> .	213
Objectives of Legal Education. <i>Lon L. Fuller</i> .	120	Unlawful Practice	
Legal Bibliography		Interim Report of Committee on Unlawful Practice of the Law.	135
Administrative Procedure. <i>Bibliography</i> .	98	Workmen's Compensation	
Aeronautics. <i>Bibliography</i> .	333	Actions by Employees Against Co-employees for Wilful Assault. <i>Committee Report</i> .	325
Arbitration. <i>Bibliography</i> .	46		
Author Members. <i>Bibliography</i> .	247		

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